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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/066,513	04/24/1998	KIM A. REYNOLDS	21669USA	8912	
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JOSHUA R SLAVITT			EXAMINER		
SUITE 2600	OT & LECHNER		NOLAN, SANDRA M		
1101 MARKET STREET PHILADELPHIA, PA 191072950			ART UNIT	PAPER NUMBER	
	,		1772	23	
			DATE MAILED: 12/26/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicating Application No. Og/066,513 REYNOLDS ET AL.							59
### Examiner Art Unit 1772 - The MAILING DATE of this communication appears on the cover she is with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Experience of tear may be available under the population ≥ 3° CPR 1.136(a). In no event, however, may a reply be timely filled. - If the period for reply a specified above, the manufacture of the population of the property of the period of the property of the period of the property of the period of the p				Α	pplication No.	Applicant(s)	
Sandra M. Nolan 1772				0	9/066,513	REYNOLDS ET	AL.
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be explicable under the provisions of 375R 1.135(s), in no events, however, may a reply be timely filed - Extensions of time may be explicable under the provisions of 375R 1.135(s), in no events, however, may a reply be timely filed - Extensions of time may be explicable under the provisions of 375R 1.135(s), in no events, however, may a reply be timely filed - Extensions of time may be explicable under the provision of 375R 1.135(s), in no events, however, may a reply be timely filed - If NO period for reply a specified above, the maximum statutory pariod will apply and will explicit any information of the summary and the statutory may be a specified above, the maximum statutory pariod will apply and will explicit any filed on 1.6 October 2002. - Any may reviewed by the Official extra there the maining date of the communication, even if limits / field, may reduce any consequence and placetal term adjustment. See 37 CFR 1.704(b). - Status - Status - This action is FINAL. - 2b) This action is non-final. - Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. - Disposition of Claims - Application of Claims - Application (s)				S	andra M. Nolan	1772	
THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 3 CFR 1.15(6). In no event, however, may a reply be timely filed after SX (6) MONTHS from the mailing date of the communication. It not not come to the provision of the communication of the communicati	Perio			ication appear	rs on the cover she	with the correspondence a	nddress
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DETAILED ACTION

Claims

1. Claims 1-23 and 25-31 are pending. Claims 18-23 are non-elected pursuant to the requirement stated in

Withdrawal of Finality

2. The finality of the Office Action mailed on 22 May 2001 (Paper No. 12) is hereby withdrawn in order to apply the new grounds of rejection set forth below.

Rejection Withdrawn

3. The 35 USC 103 rejection restated in section 3 of the 12 October advisory action (Paper No. 16) is hereby withdrawn in view of applicants' arguments in their brief on appeal of 15 October 2002 (Paper No. 22).

Allowable Subject Matter

4. Claim11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record does not teach or suggest the fluorine-containing intermediate layer claimed.

New Rejections

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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regards as the invention.

6. Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

The reference to the General Motors test recited in claim 28 is indefinite because the test parameters may be changed.

Please clarify the claims.

Double Patenting

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1-10 and 12-17 and 25-31 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 7-8 of U.S. Patent No. 5,653,266 in view of Miller et al (US 4.987,274) and Reynolds et al (US 6,040,384).

Reynolds ('266) teaches two fluorine-containing layers bonded together in the two outer layers of a conduit (abstract) for motion transmitting members (col. 1, line 8).

Reynolds fails to teach an inorganic filler in the outermost of its layers.

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Miller teaches an insulating layer containing a fluoropolymer and a ceramic filler, which filler reduces the coefficient of thermal expansion of the layer (abstract). The examiner takes official notice that a ceramic filler is inorganic.

Reynolds ('384) teaches cable assemblies having inorganic fillers in PTFE layers for improved abrasion resistance (col. 2, lines 46-48). The examiner takes official notice that PTFE is a known fluoropolymer.

The references are analogous because they all deal with conduits containing fluoropolymers.

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the fillers of Miller and Reynolds ('384) in the outermost layers of the conduits of Reynolds ('266) in order to produce conduits whose outermost layers have desirable C.T.E. and abrasion resistance properties.

The motivation to employ the fillers of Miller in the conduits of Reynolds ('266) is found in the Miller abstract, where the effect of the fillers on C.T.E. is taught.

The motivation to employ the fillers of Reynolds ('384) in the conduits of Reynolds ('266) is found at col. 2, lines 46-48, where abrasion resistance is taught.

In the absence of convincing objective evidence to the contrary, the use of the fillers of Miller and Reynolds ('384) in the outermost of the two fluoropolymer layers of Reynolds ('266) is deemed a matter of engineering choice, depending upon the properties desired in the conduit's outer layer.

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Respons to Arguments

9. Applicant's arguments with respect to claims 1-17 and 25-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication should be directed to the Examiner, Sandra M. Nolan, whose telephone number is 703/308-9545. The Examiner can normally be reached on Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

If attempts to reach the Examiner by telephone are unsuccessful, her supervisor, Harold Pyon, can be reached at 703/308-4251. The general fax number for the art unit is 703/305-5436. The fax number for after final communications is 703/872-9310. The receptionist answers 703/308-0661.

S. M. Nolan

Patent Examiner

Technology Center 1700

SMN/smn 09066513(23) December 23, 2002